

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LISA HARDEN,)	CASE NO.5:11CV1693
)	
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	
)	MEMORANDUM OF OPINION &
RHEEM MANUFACTURING CO.,)	ORDER
)	
DEFENDANT.)	
)	

Before the Court is a motion for consolidation pursuant to Fed. R. Civ. P. 42(a) (Doc. 10) filed by plaintiff Lisa Harden (“plaintiff” or “Harden”). Plaintiff seeks to consolidate this matter with two cases now before the Court of Common Pleas of Summit County, Ohio. (Doc. 10 at 1.) The instant motion was the subject of discussion at the Case Management Conference held by the Court on September 21, 2011. At conference, plaintiff’s counsel conceded that Rule 42 does not permit this Court to consolidate cases that are not “before the court.”

Indeed, Rule 42 provides that the Court may consolidate “actions *before the court* [that] involve a common question of law or fact [...]” Fed. R. Civ. P. 42(a) (emphasis added). The two state court actions that plaintiff seeks to consolidate with this suit are not “before this Court,” and therefore the Court lacks authority to consolidate those actions with this one. *See Zhu v. Countrywide Realty Co., Inc.*, 160 F. Supp. 2d 1210 (D. Kan. 2001) (citing Rule 42(a)) (federal district courts do not have authority to

consolidate with federal court actions related state court actions). Accordingly, plaintiff's motion to consolidate is **DENIED**.

IT IS SO ORDERED.

Dated: September 22, 2011



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE